

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **"SEMICONDUCTOR LASER LIGHT EMITTING DEVICE"**

Case No. 09792909-4825, the specification of which

(check  
one) X is attached hereto  
was filed on \_\_\_\_\_, as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification,  
including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me  
to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations. 1.56<sup>1</sup>

I do not know and do not believe this invention was ever known or used in the United States of America  
before my or our invention thereof, or patented or described in any printed publication in any country before my or  
our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in  
the United States of America more than one year prior to this application, and I believe that the invention has not  
been patented or made the subject of an inventor's certificate issued before the date of this application in any country  
foreign to the United States of America on an application filed by me or my legal representatives or assigns more  
than twelve months prior to this application, and that no application for patent or inventor's certificate on this  
invention has been filed in any country foreign to the United States of America prior to this application by me or my  
legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign  
application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s) Number	Country	Date
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<b>P2000-083368</b>	<b>Japan</b>	<b>March 24, 2000</b>
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and have also identified below any foreign application for patent or inventor's certificate having a filing date before  
that of the above listed application on which priority is claimed:

Prior Foreign Application(s) Number	Country	Date
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<sup>1</sup> (b) Under this section, information is material to patentability when it is not cumulative to information already of record or  
being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the application takes in:
  - (i) opposing an argument of unpatentability relied on by the Office, or
  - (ii) asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable  
under the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable  
construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an  
attempt to establish a contrary conclusion of patentability.

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

Prior Foreign Application(s)

Number

Country

Date

I hereby appoint the following attorneys, Kevin W. Guynn (No. 29,927), David R. Metzger (Reg. 32,919), Janelle D. Strode (Reg. 34,738), Michael L. Kiklis (Reg. 38,939), Jordan A. Sigale (Reg. 39,028), Jeffrey W. Wheeler (Reg. 39,066), Michael A. Molano (Reg. 39,777), Jennifer H. Hammond (Reg. 41,814), Marina N. Saito (Reg. 42,121), Lana M. Knedlik (Reg. 42,748), Alison P. Schwartz (Reg. 43,863), Christopher P. Rauch (Reg. 45,034), Francisco A. Rubio-Campos (Reg. 45,358), Gregory B. Gulliver (Reg. 44,138) and Brian J. Gill (Reg. P46,727); of the firm of Sonnenschein, Nath & Rosenthal, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to::

SONNENSCHEIN NATH & ROSENTHAL  
80<sup>th</sup> Floor – Sears Tower  
233 S. Wacker Drive, Chicago, IL 60606  
Telephone 312/876-8000  
Facsimile 312/876-3974

I hereby declare that all statements made herein of my own knowledge are true and that all statements made  on information and belief are believed to be true; and further that these statements were made with the knowledge  that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section  1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the  application or any patent issued thereon.

Full name of sole or first inventor HIROSHI YOSHIDA

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